

House File 826

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AN ACT

1 4 RELATING TO THE SPEED LIMIT FOR VEHICULAR TRAFFIC ON HIGH=

1 5 WAYS, THE FINES FOR VIOLATIONS, AND COURT COSTS FOR SIMPLE

1 6 MISDEMEANOR OFFENSES AND PROVIDING A FEE AND MAKING

1 7 APPROPRIATIONS.

1 8

1 9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 10

1 11 Section 1. Section 321.285, subsection 6, Code 2005, is

1 12 amended to read as follows:

1 13 6. a. Notwithstanding any other speed restrictions, the

1 14 speed limit for all vehicular traffic on fully controlled=

1 15 access, divided, multilaned highways ~~including the national~~

~~1 16 system of interstate highways~~ is sixty-five miles per hour.

1 17 However, the speed limit for all vehicular traffic on highways

1 18 that are part of the interstate road system, as defined in

1 19 section 306.3, is seventy miles per hour. The department may

1 20 establish a speed limit of sixty-five miles per hour on

1 21 certain divided, multilaned highways not otherwise described

1 22 in this paragraph.

1 23 ~~b. However, the department or cities with the approval of~~

~~1 24 the~~ The department, on its own motion or in response to a

1 25 recommendation of a metropolitan or regional planning

1 26 commission or council of governments, may establish a lower

1 27 speed limit upon such highways located within the corporate

~~1 28 limits of a city~~ on a highway described in this subsection.

1 29 c. For the purposes of this subsection, ~~a fully~~ "fully

1 30 controlled-access highway is highway" means a highway that

1 31 gives preference to through traffic by providing access

1 32 connections with selected public roads only and by prohibiting

1 33 crossings at grade or direct private driveway connections.

1 34 d. A minimum speed may be established by the department on

1 35 the highways referred to in this subsection if warranted by

2 1 engineering and traffic investigations.

2 2 ~~e. It is further provided that any~~ Any kind of vehicle,

2 3 implement, or conveyance incapable of attaining and

2 4 maintaining a speed of forty miles per hour shall be

2 5 prohibited from using the interstate road system.

2 6 Sec. 2. Section 602.1302, subsection 1, Code 2005, is

2 7 amended to read as follows:

2 8 1. Except as otherwise provided by sections 602.1303, ~~and~~

2 9 602.1304, and 602.8108 or other applicable law, the expenses

2 10 of operating and maintaining the judicial branch shall be paid

2 11 out of the general fund of the state from funds appropriated

2 12 by the general assembly for the judicial branch. State

2 13 funding shall be phased in as provided in section 602.11101.

2 14 Sec. 3. Section 602.1304, subsection 2, paragraph b, Code

2 15 2005, is amended to read as follows:

2 16 b. For each fiscal year, a judicial collection estimate

2 17 for that fiscal year shall be equally and proportionally

2 18 divided into a quarterly amount. The judicial collection
2 19 estimate shall be calculated by using the state revenue
2 20 estimating conference estimate made by December 15 pursuant to
2 21 section 8.22A, subsection 3, of the total amount of fines,
2 22 fees, civil penalties, costs, surcharges, and other revenues
2 23 collected by judicial officers and court employees for deposit
2 24 into the general fund of the state. The revenue estimating
2 25 conference estimate shall be reduced by the maximum amounts
2 26 allocated to the Iowa prison infrastructure fund pursuant to
2 27 section 602.8108A, the court technology and modernization fund
2 28 pursuant to section 602.8108, and subsection 7, the judicial
2 29 branch pursuant to section 602.8108, subsection 7A, the road
2 30 use tax fund pursuant to section 602.8108, subsection 8, and
2 31 amounts allocated to the department of public safety's vehicle
2 32 depreciation account pursuant to section 602.8108, subsection
2 33 9, and the remainder shall be the judicial collection
2 34 estimate. In each quarter of a fiscal year, after revenues
2 35 collected by judicial officers and court employees equal to
3 1 that quarterly amount are deposited into the general fund of
3 2 the state, and after the required amount is deposited during
3 3 the quarter into the Iowa prison infrastructure fund pursuant
3 4 to section 602.8108A and into the court technology and
3 5 modernization fund pursuant to section 602.8108, subsection 7,
3 6 and after the required amount is allocated to the judicial
3 7 branch pursuant to section 602.8108, subsection 7A, and to the
3 8 department of public safety's vehicle depreciation account
3 9 pursuant to section 602.8108, subsection 9, the director of
3 10 the department of administrative services shall deposit the
3 11 remaining revenues for that quarter into the enhanced court
3 12 collections fund in lieu of the general fund. However, after
3 13 total deposits into the collections fund for the fiscal year
3 14 are equal to the maximum deposit amount established for the
3 15 collections fund, remaining revenues for that fiscal year
3 16 shall be deposited into the general fund. If the revenue
3 17 estimating conference agrees to a different estimate at a
3 18 later meeting which projects a lesser amount of revenue than
3 19 the initial estimate amount used to calculate the judicial
3 20 collection estimate, the director of the department of
3 21 administrative services shall recalculate the judicial
3 22 collection estimate accordingly. If the revenue estimating
3 23 conference agrees to a different estimate at a later meeting
3 24 which projects a greater amount of revenue than the initial
3 25 estimate amount used to calculate the judicial collection
3 26 estimate, the director of the department of administrative
3 27 services shall recalculate the judicial collection estimate
3 28 accordingly but only to the extent that the greater amount is
3 29 due to an increase in the fines, fees, civil penalties, costs,
3 30 surcharges, or other revenues allowed by law to be collected
3 31 by judicial officers and court employees.

3 32 Sec. 4. Section 602.8106, subsection 1, paragraphs b, d,
3 33 and e, Code 2005, are amended to read as follows:

3 34 b. For filing and docketing of a complaint or information
3 35 for a simple misdemeanor and a complaint or information for a
4 1 nonscheduled simple misdemeanor under chapter 321, ~~seventeen~~
4 2 thirty dollars.

4 3 d. The court costs in scheduled violation cases where a
4 4 court appearance is required, ~~seventeen~~ thirty dollars.

4 5 e. For court costs in scheduled violation cases where a
4 6 court appearance is not required, ~~seventeen~~ thirty dollars.

4 7 Sec. 5. Section 602.8108, subsection 2, Code 2005, is
4 8 amended to read as follows:

4 9 2. Except as otherwise provided, the clerk of the district
4 10 court shall report and submit to the state court
4 11 administrator, not later than the fifteenth day of each month,
4 12 the fines and fees received during the preceding calendar
4 13 month. Except as provided in subsections 3, 4, 5, 7, ~~and~~ 7A,
4 14 8, and 9, the state court administrator shall deposit the
4 15 amounts received with the treasurer of state for deposit in
4 16 the general fund of the state. The state court administrator
4 17 shall report to the legislative services agency within thirty
4 18 days of the beginning of each fiscal quarter the amount
4 19 received during the previous quarter in the account
4 20 established under this section.

4 21 Sec. 6. Section 602.8108, Code 2005, is amended by adding
4 22 the following new subsection:

4 23 NEW SUBSECTION. 7A. The state court administrator shall
4 24 allocate to the judicial branch for the fiscal year beginning
4 25 July 1, 2005, and for each fiscal year thereafter, seven
4 26 million dollars of the moneys received annually under
4 27 subsection 2, to be used for salaries of supreme court
4 28 justices, appellate court judges, district court judges,
4 29 district associate judges, judicial magistrates and staff,
4 30 state court administrator, clerk of the supreme court,
4 31 district court administrators, clerks of the district court,
4 32 juvenile court officers, board of law examiners and board of
4 33 examiners of shorthand reporters and judicial qualifications
4 34 commission, receipt and disbursement of child support
4 35 payments, reimbursement of the auditor of state for expenses
5 1 incurred in completing audits of the offices of the clerks of
5 2 the district court during the fiscal year, and maintenance,
5 3 equipment, and miscellaneous purposes.

5 4 Sec. 7. Section 602.8108, Code 2005, is amended by adding
5 5 the following new subsection:

5 6 NEW SUBSECTION. 9. a. The state court administrator
5 7 shall allocate to the vehicle depreciation account maintained
5 8 by the department of public safety for vehicles utilized by
5 9 the Iowa state patrol the following amounts from fines
5 10 attributable to speeding violations:

5 11 (1) For the fiscal year beginning July 1, 2005, and ending
5 12 June 30, 2006, five hundred ninety=six thousand dollars.

5 13 (2) For the fiscal year beginning July 1, 2006, and ending
5 14 June 30, 2007, seven hundred nine thousand dollars.

5 15 (3) For the fiscal year beginning July 1, 2007, and ending
5 16 June 30, 2008, eight hundred forty=one thousand dollars.

5 17 (4) For the fiscal year beginning July 1, 2008, and ending
5 18 June 30, 2009, eight hundred forty=one thousand dollars.

5 19 b. All moneys allocated under this subsection are
5 20 appropriated to the department of public safety and shall be
5 21 used for the purchase of state patrol vehicles.

5 22 Notwithstanding section 12C.7, subsection 2, interest or
5 23 earnings on moneys allocated to the vehicle depreciation
5 24 account under this subsection shall be credited to the
5 25 account. Notwithstanding section 8.33, moneys allocated to
5 26 the vehicle depreciation account under this subsection shall

5 27 not revert at the end of the fiscal year but shall remain
5 28 available for the purpose intended.

5 29 c. This subsection is repealed July 1, 2009.

5 30 Sec. 8. Section 805.8A, subsection 5, paragraph b, Code
5 31 2005, is amended to read as follows:

5 32 b. Notwithstanding paragraph "a", for excessive speed
5 33 violations in speed zones greater than fifty-five miles per
5 34 hour, the scheduled fine shall be:

5 35 (1) ~~Ten~~ Twenty dollars for speed not more than five miles
6 1 per hour in excess of the limit.

6 2 (2) ~~Twenty~~ Forty dollars for speed greater than five but
6 3 not more than ten miles per hour in excess of the limit.

6 4 (3) ~~Forty~~ Sixty dollars for speed greater than ten but not
6 5 more than fifteen miles per hour in excess of the limit.

6 6 (4) ~~Sixty~~ Eighty dollars for speed greater than fifteen
6 7 but not more than twenty miles per hour in excess of the
6 8 limit.

6 9 (5) ~~Sixty~~ Ninety dollars plus ~~two~~ five dollars for each
6 10 mile per hour of excessive speed over twenty miles per hour
6 11 over the limit.

6 12 Sec. 9. CANINE VEHICLE REPLACEMENT. The department of
6 13 public safety shall use a portion of the funds allocated to
6 14 the department of public safety's vehicle depreciation account
6 15 pursuant to section 602.8108, subsection 9, as enacted in this
6 16 Act, to replace existing Iowa state patrol vehicles used by
6 17 canine handlers, when those vehicles are due for replacement,
6 18 with multipurpose vehicles properly equipped for canine
6 19 transport.

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6 23 CHRISTOPHER C. RANTS
6 24 Speaker of the House

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6 28 JOHN P. KIBBIE
6 29 President of the Senate

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6 31 I hereby certify that this bill originated in the House and
6 32 is known as House File 826, Eighty-first General Assembly.

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7 1 MARGARET THOMSON
7 2 Chief Clerk of the House

7 3 Approved _____, 2005

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7 7 THOMAS J. VILSACK

7 8 Governor